

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BILLY WILLINGHAM,

Plaintiff,

v.

OFFICER PHILLIPS, et al.,

Defendants.

Case No. C05-0099RSM

ORDER OF DISMISSAL

The Court, having reviewed petitioner's 28 U.S.C. § 1983 petition, all papers and exhibits in support and in opposition to that petition, the Report and Recommendation of the Honorable James P. Donohue, United States Magistrate Judge, and the remaining record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation.
- (2) Petitioner's § 1983 petition is DENIED, and this action is DISMISSED without prejudice; and
- (3) The Clerk is directed to send copies of this Order to the parties and to Judge Donohue.

DATED this 21 day of November, 2005.



RICARDO S. MARTINEZ
UNITED STATES DISTRICT JUDGE